

FOR: THE CREATION OF THE NATIVE AMERICAN INDIAN AFFAIRS
COMMISSION

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, there continues to be a need for a forum for the discussion of issues pertaining to Native American citizens of Indiana, their traditions, beliefs, values, and ideas; and

WHEREAS, the Native American Council, created by Executive Order 97-24, has provided that forum in the past; and

WHEREAS, the General Assembly enacted SEA 337 in 2003 to establish a Native American Indian Affairs Commission to study problems common to Native Americans in Indiana and to make recommendations to relevant governmental bodies regarding issues of health, employment, culture, economic development, Native American archaeological sites, and other matters; and

WHEREAS, SEA 337 was vetoed because, as drafted, it restricted participation to members of federally recognized tribes, thereby inadvertently excluding significant groups of Native Americans in Indiana.

NOW THEREFORE, I Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana by the Constitution and laws of this state, do hereby **ORDER** that:

1. The Native American Indian Affairs Commission is established.
2. The commission consists of seventeen (17) voting members and (2) nonvoting members appointed by the Governor. The voting members of the commission consist of the following:
 - (a) Seven (7) Native American Indians;
 - (b) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues;
 - (c) The commissioner of the Department of Correction or the commissioner's designee;
 - (d) The commissioner of the Commission for Higher Education or the commissioner's designee;
 - (e) The commissioner of the State Department of Health or the commissioner's designee;
 - (f) The secretary of the Office of Family and Social Services or the secretary's designee;
 - (g) The director of the Department of Natural Resources or the director's designee;
 - (h) The state Superintendent of Public Instruction or the superintendent's designee;
 - (i) The commissioner of the Department of Workforce Development or the commissioner's designee;

- (j) The director of the Indiana Historical Bureau or the director's designee.

One of the voting members of the commission, selected by the Governor, shall serve as chairperson. The nonvoting members of the commission consist of the following:

- (a) One (1) members of the House of Representatives appointed by the speaker of the House of Representatives.
 - (b) One (1) member of the Senate appointed by the president pro tempore of the Senate.
3. As used in this Executive Order, "Native American Indian" means an individual who is at least on (1) of the following:
- (a) An Alaska native as defined in 43 U.S.C. 1602(b);
 - (b) An Indian as defined in 25 U.S.C. 451b(d);
 - (c) A native Hawaiian as defined in 20U.S.C. 7912(1); or
 - (d) A person who has demonstrated membership in a tribe that:
 - i. is located in Indiana; and
 - ii. has established documented historical recognition.

Indiana associations that represent Native American Indians may nominate individuals for the commission.

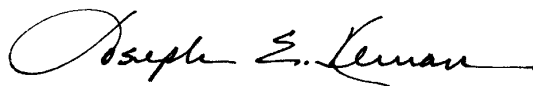
- 4. The affirmative votes of at least nine (9) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.
- 5. The Department of Workforce Development and Department of Natural Resources shall provide staff and administrative support for the commission.
- 6. The commission shall study issues common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:
 - (a) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care;
 - (b) Cooperation and understanding between Native American Indian communities and other communities throughout Indiana;
 - (c) Cultural barriers to the educational system, including barriers to higher education and opportunities throughout Indiana;
 - (d) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum;
 - (e) Measure to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences;
 - (f) Programs to encourage the growth and support of Native American Indian owned businesses;
 - (g) Public awareness of issues affecting the Native American Indian communities;

- (h) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of native American Indians; and
- (i) Measures that could facilitate easier access to state and local governmental services by Native American Indians.

The commission should examine whether the problems and solutions to the matters listed above differ as between Native American Indians residing in Indiana who are members of federally recognized tribes and those who are not members of federally recognized tribes. It should also examine whether and how the problems and solutions are unique to Native American Indians residing in Indiana as compared with other groups in the population.

- 7. The commission may not study or make recommendations regarding negotiations between a tribe and the state or federal government concerning tribal sovereignty or gaming on tribal land.
- 8. If a Native American Indian burial ground is discovered, the Department of Natural Resources shall as soon as possible provide notice to the Native American Indian Affairs Commission. If Native American Indian human remains are removed from a burial ground, the department shall provide to the Native American Indian Affairs Commission any written finding or reports that result from the analysis and study of the human remains and written notice to the Native American Indian Affairs Commission that the analysis and study of the human remains are complete. After receiving written notice as required in the previous sentence, the Native American Indian Affairs Commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.
- 9. In order to carry out its work, the commission shall meet no fewer than four times per year. Its meetings shall be public and advertised in an effort to maximize participation by affected populations in the commission's deliberations.
- 10. The commission shall report on its activities to the Governor at least annually.
- 11. This Executive Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st of October, 2003.



Joseph E. Kernan
Governor of Indiana

ATTEST: Todd Rokita
 Secretary of State